

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:	:	Case No. 14-53717
Ronald Bradley Thomas	:	Chapter 13 (Judge Caldwell)
	:	
Debtor	:	

AMENDED MOTION TO MODIFY THE CHAPTER 13 PLAN POST-CONFIRMATION (Doc # 52)

Comes now Ronald Bradley Thomas, Debtor, by counsel, who hereby moves the Court for an Order modifying the Chapter 13 Plan by decreasing the payments to \$3,000.00 per month, for seven months beginning December 2015 and thereafter increasing the plan payment to \$3,500.00 per month beginning July 2016 and continuing for twelve months, and then increasing to \$4,100.00 remainder of the plan. The dividend paid to unsecured creditors shall remain unchanged at 100%. This Motion amends document number 52, and is made pursuant to 11 U.S.C. §1329(a)(1), Federal Bankruptcy Rule of Procedure §3015(g) and LBR §3015-2.

MEMORANDUM IN SUPPORT OF THE MOTION

The Debtor filed for Chapter 13 Bankruptcy relief on May 22, 2014 and the Chapter 13 Plan was confirmed, on October 20, 2014. The Debtor's plan calls for payments of \$3,200.00 per month for twelve months than \$3,300.00 per month for twelve months than \$3,500.00 per month for the remainder of the plan. The plan has not been previously been modified.

Since the plan was confirmed, a significant change in circumstances has occurred that requires modification of this plan. Beginning February 23, 2015 Mr. Thomas obtained new employment with LG Mobilecomm, based in San Diego, California. Mr. Thomas receives a monthly draw but the majority of his income is based on commission sales. His wages at his new employment have increased from his former employment, but he no longer receives a mileage reimbursement of \$866.00 per month. Because his new job requires additional travel he is no longer able to maintain his secondary income of \$133.33 per month in income. Mr. Thomas believes that over the next seven months he will be able to earn

additional sales commissions and rebuild his income and thereby be able to make the increase plan payment beginning July, 2016.

The proposed modification would decrease the Debtor's payments to \$3,000.00 per month, for seven months beginning December 2015. The payment will increase to \$3,500.00 per month beginning July 2016 and continuing for twelve months, and then increase to \$4,100.00 remainder of the plan. The dividend paid to unsecured creditors would remain unchanged at 100%. As modified, the plan meets the best interests of the creditors and represents the Debtor's best effort under the current situation. Amended Schedules I and J have already been filed separately for this amended Motion as Doc. No. 53.

WHEREFORE, the Debtor respectfully moves the Court **GRANT** the Debtor's Amended Motion to Modify Chapter 13 Plan Post-Confirmation.

Respectfully submitted,

/s/ Marshall D Cohen

Marshall D. Cohen, Case Attorney (0044066)
1500 W. 3rd Ave., Suite 400
Columbus, OH 43212
(614) 294-5040, Fax (614) 291-5006
Email: notice@mdcohenlaw.com

21 DAY NOTICE AND CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following registered ECF participants, electronically through the Court's transmission facilities at their e-mail addresses registered with the Court, or by U.S. Mail, postage prepaid to the parties listed below on December 18, 2015 and for Notice that the undersigned will present to the Court a proposed order granting the request sought unless, within twenty-one (21) days after this date, a written memorandum in opposition along with a request for a hearing are filed with the Court and served on the undersigned.

ELECTRONIC SERVICE TO:

Office of the US Trustee
Office of the Chapter 13 Trustee
Marshall D. Cohen Esq.
Alison A. Gill
Natalie Zindorf

U.S. MAIL SERVICE:

Ronald Bradley Thomas |5280 Raymar Drive|Albany, OH 45710-9104
American Express Travel Related Services Com|c/o Becket and Lee|PO Box 3001|Malvern, PA 19355-0701
The Bank of New York Mellon |14841 Dallas Parkway Suite 300|Dallas, TX 75254-7883
American Express Travel Related Services Com|Inc|c/o Becket and Lee LLP|POB 3001|Malvern PA 19355-0701
Athens County Treasurer |15 South Court Street #334|Athens, OH 45701-2891
Attorney Matthew Gladwell |3692 Red Bank Road|Cincinnati, OH 45227

Bank of New York Mellon |c/o Bank of America NA|PTX C-35, 7105 Coporate Drive|Plano, TX 75024
Capital One Bank |American InfoSource LP|PO Box 71083|Charlotte, NC 28272-1083
Capital One Bank USA NA |PO Box 71083|Charlotte NC 282721083
Cavalry SPV I, LLC |500 Summit Lake Drive, Ste 400|Valhalla, NY 10595-1340
Deana McKinley |5280 Raymar Drive|Athens, OH 45701
Diane Weaver |279 Blue Harbor Court|Perrysburg, OH 43551-2842
Dominion Hope |1201 East 55th Street|Cleveland, OH 44103-1028
Dominion Hope Gas |48 Columbia Blvd.|Clarksburg, WV 26301-9606
HARLEY-DAVIDSON CREDIT CORP |PO BOX 9013|ADDISON, TEXAS 75001-9013
Harley-Davidson Credit Corp |PO Box 9013|Addison, TX 75001-9013
Joel Pollard |5061 David Lane|Albany, OH 45710-8085
Joel Pollard |5178 David Lane|Albany, OH 45710-8085
Meridian Financial |1636 Hendersonville Road South|Asheville, NC 28803-3057
NCO Financial/99 |PO Box 15636|Wilmington, DE 19850-5636
Pentagroup Financial |5959 Corporate Drive|Suite 1400|Houston, TX 77036-2311
PORTFOLIO RECOVERY ASSOCIATES LLC|PO BOX 41067|NORFOLK VA 23541-1067
Specialized Loan Servicing, LLC |8742 Lucent Blvd, Suite 300|Highlands Ranch, CO 80129-2386
Tek Collect |PO Box 1269|Columbus, OH 43216-1269
Vinton County National Bank |112 West Main Street|Mc Arthur, OH 45651-1200
Vinton County National Bank |PO Box 460|McArthur, OH 45651-0460
William Gaskalla |13133 State Route 550|Athens, OH 45701-8841
Joel Pollard |5178 David Lane|New Albany, OH 45710-8085

/s/ Marshall D Cohen

Marshall D. Cohen, Case Attorney (0044066)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re: : Case No. 14-53717
Ronald Bradley Thomas : Chapter 13 (Judge Caldwell)
:
Debtor :

21 DAY NOTICE OF AMENDED MOTION TO MODIFY PLAN POST-CONFIRMATION

The Debtors have filed papers with the Court: Amended Motion to Modify Plan Post-Confirmation ("Pleading").

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney you may wish to consult one.)

If you do not want the court to change your status or if you want the court to consider your views on the Pleading, on or before twenty-one (21) days from the service date of the Pleading you or your attorney must:

File with the court a response to the Pleading and serve a copy as directed by the notice not later than twenty-one (21) days after service of the Pleading at:

U.S. Bankruptcy Court, Clerks Office, 170 N. High Street, Columbus OH 43215

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it before the date stated above.

You must also mail a copy to:

Ronald Bradley Thomas |5280 Raymar Drive|Albany, OH 45710-9104
Marshall D. Cohen, Esq., 1500 West Third Avenue, Suite 400, Columbus, OH 43212
Faye D. English, Chapter 13 Trustee, One Columbus, 10 W. Broad St., Suite 900, Columbus,
OH 43215-3449
Office of the U.S. Trustee, 170 North High Street, #200, Columbus, OH 43215

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Pleading and may enter an order granting relief.

Date: December 18, 2015

/s/ Marshall D Cohen
Marshall D. Cohen, Case Attorney (0044066)
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